

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                             |  |
|-----------------------------|--|
| In re the Application of    | ) Examiner: Not yet assigned             |
| McMillan et al.             | ) Group Art Unit: Not yet assigned       |
| Serial No: Not yet assigned | ) Customer No.: 25213                    |
| Filed: November 7, 2001     | )  |
| For: DEVICE AND METHOD FOR  | )  |
| LYSING CELLS, SPORES, OR    | ) <u>REQUEST FOR FILING A DIVISIONAL</u> |
| MICROORGANISMS              | ) <u>APPLICATION UNDER 37 C.F.R.</u>     |
|                             | ) <u>\$1.53(b)</u>                       |

JC996 U.S. PRO  
10/006848  
11/07/01

Express Mail Label No.: EL 852 464 139 US  
 Mailed in Palo Alto, CA on: November 7, 2001

BOX PATENT APPLICATION  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/331,911, filed June 25, 1999, entitled "INTEGRATED FLUID MANIPULATION CARTRIDGE."

1. Enclosed is a true copy of the oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

/X/ the same.

/ / less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. /X/ Filing Fee Calculation

Applicant is a [X] Small Entity [ ] Large entity.  
The required fee is calculated below:

FILING FEE CALCULATION

| Description        | Claims  | Extra | Rate   | Fee Code | Fee |
|--------------------|---------|-------|--------|----------|-----|
| Basic Filing Fee   |         |       |        | 201      | 370 |
| Independent Claims | 3 - 3=  | 0 x   | \$42 = | 202      | 0   |
| Total Claims       | 21 -20= | 33 x  | \$9 =  | 203      | 9   |

Total Filing Fee .. \$379

4. Payment of Filing Fees:

/X/ A check in the amount of \$379, is enclosed herewith.

/X/ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. \$1.16 and \$1.17, to Deposit Account No. 08-1641, referencing Docket No. 22660-0019 DIV 3. A duplicate copy of this paper is attached.

5. Please amend the Declaration and Power of Attorney by changing the order of the inventorship to read as follows:  
-- William A. McMillan, Kurt E. Petersen, Lee A. Christel, Ronald Chang, Farzad Pourahmadi, Jesus Ching, Gregory T.A. Kovacs, and M. Allen Northrup --.

6. The prior application is assigned of record to: Cepheid.

7. The power of attorney in the prior application is to:  
William Schmonsees, Reg. No. 31,796

/X/ The power appears in the original papers in the prior application.

/\_/\_/ A Power of Attorney and Revocation of Prior Powers is enclosed.

8. Please address correspondence in this matter to:

William Schmonsees  
Heller Ehrman White & McAuliffe  
275 Middlefield Road  
Menlo Park, CA 94025-3506

9. Documents enclosed:

/X/ Application (80 pages total), including 75 pages of specification; 4 pages of claims; 1 page of abstract; 16 sheets of drawings;

/X/ a true copy of the oath or declaration showing the signature or an indication it was signed

/X/ Check in the amount of \$379.

/X/ 1 Return Receipt Postcard.

Respectfully submitted,

By: 

William Schmonsees  
Registration No. 31,796

Date: November 7, 2001

Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
Direct Dial: (650) 324-7041  
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